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*Ayotte*

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

ELISSA M. ROBERTS, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

BLOOM ENERGY CORPORATION, et al.,  
Defendants.

Case No. 4:19-cv-02935-HSG

**JOINT STIPULATION AND ORDER TO  
EXTEND CASE DEADLINES BY 14 DAYS**

Hon. Haywood S. Gilliam, Jr.

1           Lead Plaintiff James Everett Hunt, additional plaintiffs Juan Rodriguez, Kurt Voutaz, Joel  
 2           White, Andrew Austin, and Ryan Fishman (“Plaintiffs”) and Defendants Bloom Energy Corporation  
 3           and the Individual Defendants (the “Bloom Defendants”) and Defendants J.P. Morgan Securities LLC,  
 4           Morgan Stanley & Co. LLC, Credit Suisse Securities (USA) LLC, KeyBanc Capital Markets Inc.,  
 5           Merrill Lynch, Pierce, Fenner & Smith Incorporated, Cowen and Company, LLC, HSBC Securities  
 6           (USA) Inc., Oppenheimer & Co. Inc., Raymond James & Associates, Inc., and Robert W. Baird & Co.  
 7           Incorporated (the “Underwriter Defendants,” and together with the Bloom Defendants, “Defendants”  
 8           and together with Lead Plaintiff, the “Parties”), by and through their undersigned counsel, hereby  
 9           stipulate as follows:

10           **WHEREAS**, on January 10, 2023, the Parties filed a Joint Notice of Settlement and Stipulation  
 11           and Proposed Order to Stay Proceedings and Vacate Hearings Pending Settlement Approval (Dkt.  
 12           215);

13           **WHEREAS**, on January 11, 2023, the Court issued an Order staying the proceedings and  
 14           vacating all hearings pending finalization of the settlement documentation and a ruling on Lead  
 15           Plaintiff’s Motion for Preliminary Approval of Settlement. The Order stated that if the Motion for  
 16           Preliminary Approval of Settlement was not filed by February 14, 2023, the Parties shall file a joint  
 17           report regarding the status of settlement by that date (Dkt. 216);

18           **WHEREAS**, on February 14, 2023, the Parties filed a Joint Stipulation to extend the February  
 19           14, 2023 deadline by 30 days to March 16, 2023 (Dkt. 217);

20           **WHEREAS**, on February 14, 2023, the Court entered an Order granting the Stipulation and  
 21           extending the deadline either for Plaintiffs to file a Motion for Preliminary Approval of Settlement or  
 22           for the Parties to file a joint report regarding the status of the settlement to March 16, 2023 (Dkt. 219);

23           **WHEREAS**, on March 16, 2023, the Parties filed a Joint Stipulation to extend the March 16,  
 24           2023 deadline to April 17, 2023 (Dkt. 222);

25           **WHEREAS**, on March 16, 2023, the Court entered an Order granting the Stipulation and  
 26           extending the deadline either for Plaintiffs to file a Motion for Preliminary Approval of Settlement or  
 27           for the Parties to file a joint report regarding the status of the settlement to April 17, 2023 (Dkt. 223);

1  
2       **WHEREAS**, on April 17, 2023, the Parties filed a Joint Stipulation to extend the April 17,  
3 2023 deadline to May 17, 2023 (Dkt. 228);

4       **WHEREAS**, on April 17, 2023, the Court entered an Order granting the Stipulation and  
5 extending the deadline either for Plaintiffs to file a Motion for Preliminary Approval of Settlement or  
6 for the Parties to file a joint report regarding the status of the settlement to May 17, 2023 (Dkt. 229);

7       **WHEREAS**, on May 17, 2023, the Parties filed a Joint Stipulation to extend the May 17, 2023  
8 deadline to June 7, 2023 (Dkt. 231);

9       **WHEREAS**, on May 18, 2023, the Court entered an Order granting the Stipulation and  
10 extending the deadline either for Plaintiffs to file a Motion for Preliminary Approval of Settlement or  
11 for the Parties to file a joint report regarding the status of the settlement to June 7, 2023 (Dkt. 232);

12       **WHEREAS**, Plaintiffs and Defendants have exchanged drafts and comments on drafts of the  
13 Stipulation of Settlement and supporting documents and the Motion for Preliminary Approval and  
14 supporting documents;


15       **WHEREAS**, the Parties are close to finalizing the Stipulation of Settlement and supporting  
16 documents and Motion for Preliminary Approval and supporting documents, but have not yet finalized  
17 them;

18       **WHEREAS**, the Parties have met and conferred and agree that it would serve the interests of  
19 efficiency and conserve resources to extend the current June 7, 2023 deadline for Plaintiffs to file the  
20 Motion for Preliminary Approval of Settlement or for the Parties to file a joint report regarding the  
21 status of settlement by an additional 14 days to June 21, 2023;

22       **NOW THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE**, pursuant to  
23 Civil L.R. 6-2, by and through their undersigned counsel:

- 24       1.       The June 7, 2023 deadline either for Plaintiffs to file a Motion for Preliminary Approval  
25               of Settlement or for the Parties to file a joint report regarding the status of the settlement  
26               shall be extended by 14 days to June 21, 2023.

**Date:** 6/8/2023

  
Honorab! Haywood S. Gilliam, Jr.  
United States District Court Judge

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